

Practitioner's Docket No. MPI00-010P1RCP1M

U.S.S.N. 10/658,904

REMARKS

An Office communication mailed August 1, 2005 required restriction to eight groups of claims. In response, Applicant provides amendments and the following remarks. Applicant hereby elects Group II (claims 5-6, drawn to the human kinase, classified in class 435, subclass 194). Applicant herein cancels claims 1-4, 7-11, 14, and 17-20. Applicant has amended claim 5 and has added new claims 21-22 drawn to the subject matter of Group II. Support for the amendment to claim 5 can be found in the specification at, for example, paragraphs [00140]-[00141]. Support for new claim 22 can be found in the specification at, for example, paragraphs [00145] and [00205].

Applicant also recognizes that the Examiner noted, on page 3 of the Office communication, the relationship between Group II and Group IV (claims 12-13 and 15-16, drawn to methods of identifying agents which bind or modulate the activity of said kinase, classified in class 435, subclass 15) as a product and process of use. Applicant notes that withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claims can be rejoined with allowable product claims (MPEP § 821.04). Therefore, Applicant has withdrawn claims 12, 15 and 16, has amended claim 13 and has added new claims 23-34 drawn to withdrawn Group IV. Support for the amendment to claim 13 can be found in the specification at, for example, paragraph [00218]. Support for the new claims can be found in the claims as filed and the specification as further illustrated herein. For example, support for new claims 24 and 25 can be found in paragraph [00203]. Support for new claim 26 can be found in the specification at, for example, paragraph [0088]. Support for new claim 28 can be found in the specification at, for example, paragraphs [0040] and [00199]. Support for new claims 30 can be found in the specification at, for example, paragraphs [00197] and [00199]. Support for new claim 31 can be found in the specification at, for example, paragraph [0035]. Support for new claims 32 and 33 can be found in the specification at, for example, paragraph [00197]. Support for new claim 34 can be found in the specification at, for example, paragraphs [00197] and [00340]. Applicant respectfully requests the entry of new claims 23-34 as withdrawn Group IV claims so they can be considered for rejoinder, along with withdrawn claims 12, 15 and 16 and amended claim 13, in the event that claims drawn to the subject matter of elected Group II are found allowable.

No new matter has been added. Claims 5, 6, 12, 13, 15, 16 and 21-34 will be pending upon entry of the amendment.

Applicant hereby reserves the right to pursue the subject matter of non-elected Groups I and III – VIII claims (canceled claims 1-4, 7-20) in this or subsequent applications.

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This paper is being filed timely within the one month period for response. No extensions of time are required. In the event any extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the remarks made herein is respectfully requested.

1 September 2005

Respectfully submitted,

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